

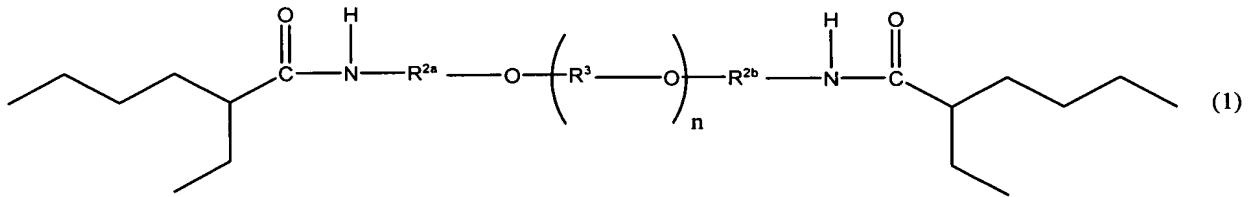
SUPPORT FOR THE AMENDMENTS

No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 14 and 26-43 will remain active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a diamide composition, a diamide compound and a composition for external application comprising a diamide compound of the structure



The rejection of claims 14 and 26-43 under 35 U.S.C. § 112 second paragraph has been obviated by appropriate amendment.

As suggested by the examiner, claims 14, 26 and 27 have been amended to recite in the preamble that the claims are directed to a “diamide composition” or a “diamide compound”, deleting the term “derivative” found objectionable by the examiner. Claim 14 now recites a “diamide composition” consistent with the examiner’s recognition that the claim is directed to a composition comprising diamide compounds of the formula C such that the average value of “n” is 1.7. Claims 26 and 27 have been amended to recite a “diamide compound” consistent with the examiner’s recognition that the claim is directed to a diamide compound where the variable “n” may be from 1 to 100. Applicants’ amendment is not a narrowing of the claims for the purposes of patentability as claim 14 remain directed to a diamide of a specified formula wherein the average value of “n” remains 1.7 and claims 26 and 27 remain directed to compositions comprising a diamide of a specified formula wherein

Application No. 10/082,115
Reply to Office Action of June 29, 2005

“n” remains from 1 to 100. In view of applicants’ amendment, withdrawal of the rejections under 35 U.S.C. 112, second paragraph is respectfully requested.

Applicants respectfully request that the provisional rejection based on the doctrine of obviousness-type double patenting over claims 26-39 of co-pending application U.S. 10/967,481 be withdrawn and this application be permitted to issue, in favor of an actual rejection based on obviousness-type double patenting being made in U.S.10/967,481 as the provisional rejection is the only rejection remaining in this application. (M.P.E.P. 804(I)(B))

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Chinn, Ph.D.
Registration No. 34,305

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)